

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration • •
322-5660

• • Executive/Legal • •
322-5901

• • Enforcement • •
322-6441

• • Statements of Economic Interest
322-6444

February 25, 1985

Gordon C. Phillips
City Attorney
City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277

Re: Your Request for Advice
Our File No. A-85-011

Dear Mr. Phillips:

This letter is sent to confirm my telephone conversation on January 28, 1985, with Mr. Scudder of your office concerning the above request for advice. He informed me that the City Council planned to take action on the matter which was the subject of the advice request at its meeting on January 28, 1985. Thus, I told him that we could not issue advice under Government Code Section 83114(b) since the City Council was going to take action before we could issue advice.

Mr. Scudder and I did discuss the issues raised by your request for advice. It did appear to me that this type of decision (rezoning of many parcels of property) often affects a large segment of the public in a similar manner. I referred Mr. Scudder to an advice letter rendered to Stanley Remelmeyer of Torrance (No. A-84-211) which raised similar issues. In addition, it appeared that, for the parcels in question, the zoning changes would not significantly affect the present or potential use of the property.

If I can be of further assistance, please feel free to contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, reading "Diane Maura Fishburn".

Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh



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CITY OF REDONDO BEACH
CALIFORNIA

415 DIAMOND STREET
REDONDO BEACH, CALIFORNIA 90277

January 18, 1985

Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Attention Diane Fishburn, Assistant Legal Counsel

Re: Planning Study and Development Changes
and Possible Conflict of Interests

Dear Ms. Fishburn:

The City of Redondo Beach is undertaking a planning study, which will affect a large portion of the residential lots in the city and will affect the developed property of some decision-makers. Your review and opinion would be appreciated. A zoning map of the city is enclosed.

The City Council on June 18, 1984, undertook a planning study and by emergency ordinance imposed a temporary limitation of two units per lot on new development in all multiple residential lots in the north end of Redondo Beach (north of 190th Street) and in R-2 Land Use Districts city-wide. This temporary moratorium on development denser than two units was extended on July 30, 1984, and November 19, 1984. It expires February 28, 1985. An extension of the development limitation issue is again before the City Council on January 28, 1985. The proposal under consideration is to extend the two-units per lot

limitation to September 30, 1985, and to order a study of additional development standards city-wide in R-2 zones and of rezoning some portions of the R-4 and R-3 Land Use Districts to R-2. R-3 Land Use Districts north of 190th Street will be affected, but not those south of that boundary. A copy of the Planning Commission recommendations are enclosed for your examination.

The development change which may have an economic impact on the cost of development in R-2 Land Use Districts is a requirement of an additional uncovered parking place on each site. This modification would result in the loss of approximately 200 square feet of potential building space for the first floor of one dwelling unit on each site. This loss would not be felt unless the developer builds to the maximum building envelope.

Certain decision-makers are potentially affected in a variety of different ways. I will go through those affected on a case-by-case basis.

CITY ATTORNEY

The City Attorney owns a fully developed R-3 lot in the south end of the city. It is over four blocks from the southerly boundary of the planning study area and it is one of many R-3 zoned lots. Furthermore, the three units are rented and no

"vacancy problem" has been encountered.

COUNCILMEMBER SNOW

The Councilmember owns and occupies an R-4 lot in the area affected. It is his residence and is in good condition. Under present R-4 development standards, the size of the lot is such that only one unit is permitted. The study is considering rezoning of this lot from R-4 to R-2. If rezoned R-2, the maximum density would remain at one unit.

COUNCILMEMBER CAWDREY

The Councilmember owns and occupies a single-family residence in an R-2 zone. Due to the lot size of 5,160 square feet, no more than one unit can be built on that lot under present or proposed standards. The residential structure has recently been enlarged and upgraded.

ASSISTANT CITY ATTORNEY SCUDDER

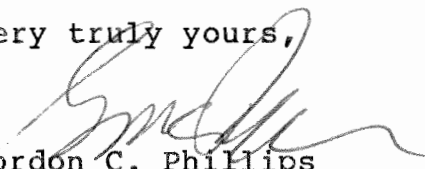
Mr. Scudder occupies a single-family residence on a two-unit (R-2) lot. Two units could be built by removing a three bedroom house in good condition and a two-car garage containing a guest apartment. The value of the property as developed is in excess of \$200,000. The studied changes in R-2 standards may increase costs of new multiple unit development on that lot by requiring an additional on-site uncovered parking space and may prohibit consolidation of three or more lots. His house is adjacent to

single-family residences, which are not for sale, so lot consolidation is not possible. The fair market value is based on the property as developed and does not appear to be affected.

We have concluded that none of the foregoing elected officers have a financial interest which constitute material financial effect, distinguishable from the public generally, but would appreciate your analysis of this problem.

If you need any further information, please contact the undersigned or Stu Scudder. Since the hearing on the extension of the study is set for hearing January 28, 1985, please let me or Mr. Scudder know of any concerns by telephone, and provide me a written opinion for my files.

Very truly yours,



Gordon C. Phillips
City Attorney

Enclosure

cc: Artemus Ward

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF REDONDO BEACH RECOMMENDING EXTENSION
OF INTERIM DEVELOPMENT STANDARDS

It was moved by Commissioner

WHEREAS, Planning Department staff has conducted a study of its areas designated for study by the City Council in Ordinance No. 2399; and

WHEREAS, the Planning Commission has studied the land use district as requested by the City Council and concurs with the staff that various development problems exist in the studied areas; and

WHEREAS, a public hearing has been conducted and the public testimony has raised new planning issues about the studied areas; and

WHEREAS, the Commission has requested a block-by-block staff study of the R-4 and R-3 Land Use Districts and additional studies of the proposed new development standards; and

WHEREAS, the Commission has directed that the study be completed by April, 1985; and

WHEREAS, the Commission will schedule a study session for April and a public hearing for May on development standards and on rezoning the studied areas.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does recommend that the City Council certify Negative Declaration No. 84-17a, 84-18, and 84-19 as adequate under the California Environmental Quality Act of 1970 and further recommends:

1. That the City Council adopt an interim zoning ordinance providing, as does the present interim moratorium ordinance, that no applications for any use entitlements or building permits for construction of more than two dwelling units per lot shall be accepted for any lot in an R-3 Land Use District north of 190th Street or in an R-2 or R-4 Land Use District citywide.
2. That the interim zoning ordinance provide for its expiration on September 30, 1985.
3. That no amendments in land use standards or in land use districts be made in the study areas at this time.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council for consideration and final determination in the matter.